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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fifth session

SUMMARY RECORD OF THE 593rd MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 22 March 1996, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

CONTENTS

OTHER MATTERS

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The meeting was called to order at 10.20 a.m.

OTHER MATTERS

1. **The CHAIRMAN** reminded the Subcommittee that, at its previous session, it had recommended the inclusion of the present item on its agenda, with no more than one meeting being allocated to it. Those arrangements had been endorsed by the Committee on the Peaceful Uses of Outer Space and the General Assembly. It seemed appropriate, under that item, to consider the request of the General Assembly in paragraph 12 of its resolution 50/27 that the Subcommittee should review its requirement for summary records, with a view to determining whether it might be possible to utilize unedited verbatim transcripts. He drew attention to the Secretariat's note on the subject (A/AC.105/C.2/1996/CRP.6).

2. **Mrs. BATACLAN** (Philippines) said the proposal was prompted by the overall financial situation of the United Nations, which inevitably affected the work of the Subcommittee. She asked the Secretariat to comment on the situation in other United Nations bodies with regard to the use of unedited transcripts instead of summary records, and to explain the financial savings which would be achieved if the move was adopted.

3. **Mr. JASENTULIYANA** (Secretary of the Subcommittee) said that the Committee on the Peaceful Uses of Outer Space had been the first United Nations committee, in 1995, to decide to use unedited verbatim transcripts. The General Assembly was now asking other United Nations committees to follow that example. General Assembly resolution 50/27 did not apply to the Scientific and Technical Subcommittee, which had no summary records. The transcripts involved would be typed directly from the taped recordings of the meeting, taken either from the floor tape or from the interpretation. Unlike official records, they would be neither edited nor translated. Delegations would be free to submit corrections to the transcripts, whereupon the Secretariat would issue a compendium of the corrections. The resulting savings, as explained in paragraph 5 of the Secretariat's note, would be of the order of $128,000 to $180,000 and would be made in the conference service budget, not in that of the Office for Outer Space Affairs.

4. **Ms. KATO** (Japan) said that the question of using unedited transcripts had been raised in the Committee on Conferences in New York, where the Secretariat had been unable to comment on the implications of the change because of its lack of experience in the matter. She asked whether the reduction in the Subcommittee's documentation would carry any programme budget implications.

5. **Mr. JASENTULIYANA** (Secretary of the Subcommittee) said that the decision to use unedited transcripts for the proceedings of the Committee on the Peaceful Uses of Outer Space had been approved by the Committee on Conferences and endorsed by the General Assembly. In adopting resolution 50/27, the General Assembly was therefore well aware of what was involved. The measure did not carry any programme budget implications, the saving being treated as a saving in the cost of conference services over the biennium.

6. **Mrs. BATACLAN** (Philippines) asked why verbatim transcripts, which were longer than summary records, were nevertheless cheaper to produce.

7. **Mr. JASENTULIYANA** (Secretary of the Subcommittee) explained that all official records had to be edited and then translated into all of the six official languages, at a considerable cost in terms of Professional staff time. However, an unedited transcript typed in Vienna would not involve any Professional staff time, and could therefore be produced much more cheaply. As explained in paragraph 4 of the

Secretariat's note, a further saving would result from limiting the distribution of the transcripts to the members of the Committee and the Secretariat.

8. **The CHAIRMAN** said that, unless he heard any objection, he would take it that the Subcommittee decided, for its future sessions, to utilize unedited verbatim transcripts instead of summary records.

9. *It was so decided.*

10. **Mr. SCHEPISI** (Italy) raised the question of the Subcommittee's working methods. A review of the work of United Nations bodies had shown that there was no relationship between the quality of the work achieved and the number of meetings. The crucial factor appeared to be the extent to which delegations were actively involved in the discussion of agenda items. He took the view that the Subcommittee could complete its sessions within one week. The discussion of an agenda item should be brought to a close as soon as it became apparent that delegations were not interested in discussing it further. The Subcommittee might then recommend that such items should not be dealt with at the following session. It would be helpful to plan a specific duration for the discussion of each item, for instance one or two sessions. The Secretariat should play a wider role in the Subcommittee's substantive work, based on the expertise of the Office for Outer Space Affairs. With a view to accelerating and sharpening the focus of that work, the Secretariat might invite individual experts and legal and other non-governmental organizations to submit appropriate papers and studies.

11. **Ms. KATO** (Japan) agreed with the views expressed by the previous speaker. She suggested that the Subcommittee should recommend that the Committee on the Peaceful Uses of Outer Space, at its session in June 1996, take account of the views expressed by delegations on ways of further improving the Subcommittee's working procedures.

12. **Mr. KIM** (United States of America) endorsed the comments made by the representatives of Italy and Japan. His delegation approved the idea that an appropriate duration should be fixed for the sessions of the Subcommittee.

13. **Mr. LOUET** (France) agreed. His delegation welcomed all efforts to rationalize the Subcommittee's working methods.

14. **Mr. SINGH** (India) said the emphasis should be on flexibility. He approved the practice whereby, at the beginning of its session, the Subcommittee reviewed its agenda and decided whether its session should last for three weeks or less. The Subcommittee had made significant contributions to the development of space law and should now consider what further progress it could make in that field.

15. **Mrs. BATACLAN** (Philippines) agreed with the representative of Italy that the Secretariat should play a more active role in the Subcommittee's work, thereby enabling the Subcommittee, and its parent body, to advance outer space law and promote international cooperation in that respect. International cooperation in other fields having recently been stepped up, there was a feeling that the Subcommittee was not moving as fast as it should in refining and updating the legal principles which should apply to outer space. By drawing upon the work of experts and non-governmental organizations, the Secretariat could ensure that the Subcommittee made progress. She also agreed with the representative of Italy that it was the level of interest on the part of delegations which made work productive. However, items not pursued by the Subcommittee at a given moment should not be regarded as having been deleted from its agenda. The aim should be to promote more committed and cooperative discussion and to make the Subcommittee's work more effective.

16. **Mr. ARIZAGA** (Ecuador) agreed with the representative of India that the Subcommittee should maintain a flexible approach to its work, remaining ready to review its methods where appropriate but nevertheless pursuing its substantive activities.

17. **Mr. FIUZA NETO** (Brazil) also agreed with the representative of India. The duration of the Subcommittee's sessions should be reduced on an ad hoc basis only, where it was apparent at the beginning of the session that the items on the agenda would not absorb the whole of the time allotted to the session. No decision on the deletion of individual agenda items should be taken until the question of additional agenda items had been fully resolved.

18. **Mrs. PENSADO MORENO** (Mexico) and **Mr. VELAZCO SAN JOSÉ** (Cuba) supported the statements made by the delegations of India, Ecuador and Brazil.

19. **Mr. KIM** (United States of America), bearing in mind that the Subcommittee had agreed at its previous session to adopt a flexible approach to its working methods and to aim at reducing the duration of its sessions to two weeks, suggested that future sessions should be scheduled to run for a two-week period extendable on an ad hoc basis.

20. **Mr. HEDMAN** (Sweden) said that he fully approved the statements made by the delegations of Italy and the United States.

21. **Mr. KOPAL** (Czech Republic), responding to the suggestion made by the Italian delegation with regard to the role of the Secretariat, said that while the services performed by the Secretariat on behalf of the Subcommittee were invaluable, it was for delegations themselves to put forward new ideas and examine in greater depth the questions referred to them. Expert advice was often provided by observer delegations such as that of the International Telecommunication Union and by non-governmental organizations, but more experts should be included in the delegations of Member States. The Legal Subcommittee's main strength lay in the political will of delegations to participate effectively in its proceedings and reach a consensus on the matters it discussed.

22. **Ms. VENTURINI** (Italy) supported the suggestion made by the United States delegation. The implications for the duration of sessions of introducing new agenda items could be addressed in informal consultations.

23. **The CHAIRMAN** said that he had been surprised at the earlier suggestion by the Italian delegation that the session might be reduced to one week; that could not be done without delegates' right to speak being violated. Night meetings were a possible solution to the problem of the length of sessions but their financial implications would doubtless be prohibitive. No delegation uninterested in a particular item was obliged to take the floor on it, but at the same time he had no authority to disregard the mandate of the General Assembly and decide that certain items should not be discussed.

24. **Mr. ZVEDRE** (Russian Federation) complimented the Chairman on his conduct of the Subcommittee's business and on the flexible methods that he employed to maximize its efficiency. He had the impression that shortening the duration of sessions had become an end in itself for the Subcommittee, which seemed to have forgotten the purpose for which it was assembled. Decisions regarding the duration of sessions should be taken on an ad hoc basis; two weeks would probably be sufficient unless new items were added to the agenda.

25. **Mr. FIUZA NETO** (Brazil) associated himself with the views expressed by the Russian delegation.

26. **Mr. HUANG Huikang** (China) fully supported the views expressed by the Russian delegation. The Subcommittee had made considerable progress under its present chairman in improving its working methods. With regard to the criticism expressed about the duration of its sessions, he suspected that the very function of the Subcommittee was at issue. Although it was a body that could boast of noteworthy achievements over the previous 30 years in the preparation of legal instruments governing outer space, there seemed to be a current of opinion to the effect that it had now served its purpose, since future space activities would tend to be regulated by market forces. Similar trends were discernible in other bodies; for example, at the last session of the Special Committee on the Charter of the United Nations some delegations had suggested a drastic curtailment of that Committee's activities or even its disbandment. Such views should not be entertained; the expansion of outer space exploration and activities created a need for new legal regimes and the Subcommittee's role in elaborating them should be strengthened rather than undermined.

27. **The CHAIRMAN** observed that if a one-week session was scheduled, the funds would be sufficient to cover that week only and there would be no room for flexibility in the conduct of proceedings. At the current session that flexibility had been maintained and yet it looked as through the proceedings might be concluded by the middle of the second week.

28. **Ms. VENTURINI** (Italy) said that her delegation greatly appreciated the Chairman's skilful leadership. Its reference to a one-week session had been prompted by the practice of other bodies of the United Nations system that met in Vienna. She realized that a one-week session would not be possible in 1997 and proposed that a two-week session should be scheduled on the understanding that the issue of the duration of sessions might be discussed in the context of the possible addition of new items.

29. **Mr. FIUZA NETO** (Brazil) said that his delegation could not support that proposal. He understood flexibility to mean a three-week session with the possibility of an ad hoc reduction to two weeks or even one, depending on progress in the proceedings.

30. **Mr. SALAZAR** (Chile) said that his delegation favoured the principle of flexibility. There was no good reason for adopting a rigid position about the length of sessions, as evidenced by the course of the proceedings at the current session.

31. **Mr. JASENTULIYANA** (Secretary of the Subcommittee), replying to a question from **Mr. McINTOSH** (Australia), said that there was no difference in cost between scheduling a two-week session at the outset and scheduling a three-week session which was subsequently curtailed to two weeks.

32. **Mr. SINGH** (India) shared the view expressed by the Brazilian delegation. He pointed out that although agenda item 3, on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, was not being discussed at the current session, progress in the work of the Scientific and Technical Subcommittee might warrant the reconvening of the working group on that item at the next session.

33. **The CHAIRMAN**, noting that opinions were still divided on the duration of the Subcommittee's thirty-sixth session, said that he would hold informal consultations with delegations with a view to reconciling the conflicting views so that a consensus decision could be taken on the matter later in the session.

The meeting rose at 11.25 a.m.